

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**EARNEST LANGSTON,
APPELLANT
vs.**

**MISSOURI BOARD OF PROBATION AND PAROLE,
RESPONDENT**

DOCKET NUMBER WD75401

DATE: DECEMBER 26, 2012

Appeal from:

The Circuit Court of Cole County, Missouri
The Honorable Daniel R. Green, Judge

Appellate Judges:

Division Three: Alok Ahuja, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Attorneys:

Earnest Langston, Appellant Pro-se

Michael J. Spillane, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

EARNEST LANGSTON, APPELLANT

v.

MISSOURI BOARD OF PROBATION AND PAROLE, RESPONDENT

WD75401

Cole County, Missouri

Before Division Three: Alok Ahuja, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Earnest Lee Langston appeals the summary judgment in favor of the Missouri Board of Probation and Parole on his petition seeking a declaration that he became eligible for parole after serving twenty years on three consecutive life sentences plus 224 consecutive years. The trial court found that the parole eligibility date of May 2082 calculated by the Parole Board was correct. The judgment is affirmed.

AFFIRMED.

Division Three holds:

1. The Parole Board correctly applied section 217.690.5 in adding the minimum prison term of each of Langston's consecutive sentences to reach the minimum term he must serve before being eligible for parole.
2. Langston's equal protection claim was properly denied where he did not allege or establish that other inmates were similarly situated to him in that they were subject to a similar aggregate sentence made up of multiple consecutive sentences with mandatory minimum prison terms as a result of their status as a prior offender.
3. Langston's due process and ex post facto claims were properly denied where they were based on his misinterpretation of section 217.690.5.

Opinion by: Victor C. Howard, Judge

Date: December 26, 2012

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